

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAC
#17

Our Ref: 1038-729 MIS:ja

In re patent application

No. 08/931,721
Applicant: Barbara Papadopoulou et al
Title: MACROPHAGE-INFECTING PARASITES
EXPRESSING A GRANULOCYTE MACROPHAGE
COLONY STIMULATING FACTOR
Filed: September 16, 1997
Group No. 1647
Examiner: R. Haynes



September 28, 2000

**PETITION UNDER 37 CFR 1.137(b) TO REVIVE AN
UNINTENTIONALLY ABANDONED APPLICATION**

BY COURIER

The Commissioner of Patents
and Trademarks,
BOX AF,
Washington, D.C. 20231,
U.S.A.

RECEIVED

OCT 03 2000
OFFICE OF PETITIONS

Dear Sir:

This application currently stands abandoned for failure to timely respond to a Notification of Non-Compliance with 37 CFR 1.93 (c). Petition is hereby made under the provisions of 37 CFR 1.137(b) to revive this unintentionally abandoned application.

The PTO issued a Communication from the Examiner dated July 19, 2000 to which was attached an Advisory Action with respect to an Amendment after Final Action filed April 26, 2000. However, there was also attached a Notification of Non-Compliance with 37 CFR 1.192(c) with respect to the Appeal Brief also filed April 26, 2000, setting a one-month term for response.

This Notification was overlooked at the time the Communication was received and only came to light on a recent review of the file in connection with the Advisory Action. This Petition is being submitted as soon as practicable after the discovery of the oversight. The failure to respond to the Notification was unintentional since it was always the applicant's intention to pursue prosecution of the application, as evidenced by the submission of the Amendment after Final Action and the Appeal Brief.

In support of this Petition, submitted herewith are:

1. Response to Notification of Non-Compliance with 37 CFR 1.192(c) and an Amended Appeal Brief in triplicate.
2. Cheque in the amount of the Petition fee.
3. It is hereby stated, under the signature of the undersigned, that the entire delay in filing the required reply from the due date until the filing of a grantable Petition under 37 CFR 1.136(b), was unintentional.

Having regard to the above, it is submitted that this Petition should be granted and the application returned to pending status for the Examiner to consider the Appeal Brief.

Respectfully submitted,



M.I. Stewart
Reg. No. 24,973

Toronto, Ontario, Canada,
(416) 595-1155
FAX No. (416) 595-1163